

Amendment submitted in response
to Office Action mailed December 6, 2005
U.S. Pat App. No. 10/660,424
Page 9

Amendment to the Drawings:

The Examiner objected the drawings under 37 CFR 1.83(a) on the basis that they fail to show the laptop computer, the personal digital assistance, and the portable gaming device. Applicants have amended figure 3 to show these devices. Figure 3 has also been amended to remove the objectionable reference numbers 300 and 308.

The Examiner objected to Figures 1 and 2 for failing to be designated by a legend such as -Prior Art--. Applicants have amended Figures 1 and 2 to show the legend.

A copy of the replacement drawing is included herewith after page 13 of this amendment.

Remarks/Arguments:

The Examiner is thanked for his careful review of the application. More importantly, the Examiner is warmly thanked for his indication of allowable matter in claims 4-6 and 15-17.

The Drawings:

As discussed in the Amendment to the Drawings section, Figures 1, 2, and 3 have been amended to address all of the Examiner's objections to the drawings. The objections should now be withdrawn.

The Claims:

Claims 1, 5, 12, 16, 23, 27, 34, and 38 have been amended.

Claims 4, 15, 26, and 37 have been canceled.

It is respectfully submitted that each and every feature recited in the amended claim is fully supported in the specification as filed. No new matter has been added.

Issues under 35 USC 112

The Examiner has rejected claim 23-45 under 35 USC 112, first paragraph as failing to comply with the enablement requirement.

Applicants respectfully traverse. It is respectfully submitted that claims 23-45 represent the computer storage medium embodiments of the invention a claimed in the method claims 1-22. Since method claims 1-22 are enabled, Applicants now endeavor to prove that claims 23-45 are also enabled under 35 USC 112, first paragraph since the specification as filed (including the claims as filed) clearly enable one skilled in the art to make and/or use the invention.

It is respectfully submitted that one skilled in the art can readily program mobile communication device and the wireless network to exchange messages. In fact, such message exchange (whether the message is voice or data) is the reason for the existence for a communication system: to exchange information. One skilled in art would readily appreciate that given any wireless network and mobile communication device combination, it is possible to exchange data to perform functions such as communication channel setup and take-down, as well as to transfer bearer data. Such is basic and fundamental to wireless communication, and is

within the body of knowledge expected of any person skilled in the art of mobile communication.

Applicants' invention takes advantage of the ability of the wireless network and the mobile communication device to exchange information in order to authenticate the mobile communication device in the unique manner claimed. Applicants respectfully submit that a person skilled in the art, given the benefit of Applicants' disclosure, would understand how to receive a first value, how to transmit a second value that represents a function of the first value, a shared data value, and a metric pertaining to the at least one application program stored in the MCD to the wireless network (see claims 23 and 34 for example). The specification provides full support for the function, which is disclosed to be any mathematical function agreed to before hand between the MCD and the wireless network (paragraph 32, for example). The specification also provides full support for the metric (paragraph 30, for example).

It is respectfully submitted that no undue experimentation is required for a person skilled in the art, given the benefit of Applicants' disclosure and the knowledge commonly expected of such person skilled in the art, to program or configure the MCD and/or the wireless network to make and use the invention as now claimed. Further, no unreasonable amount of work is required for a person skilled in the art, given the benefit of Applicants' disclosure and in view of the knowledge commonly expected of such person skilled in the art, to make and use the invention as now claimed.

The Examiner further rejected claims 23-33 as single means claims that cover every conceivable structure (computer readable code) to achieve the stated property (result) while the specification discloses at most only those known to the inventor. Applicant has amended claim 23. Applicants respectfully assert that claims 23-33 as amended involve computer readable code for performing at least two activities: 1) receiving the first value (which is now amended to recite as computed using the shared data value and a third value that equals the metric), and 2) transmitting the second value (which is recited as computed from the first value, the shared data value, and at least one metric). As such, claims 23-33 are not single means claims.

The Examiner also asserted that the claim covers every conceivable structure for achieving the stated result. Applicants respectfully traverse and wish to respectfully point out that the claims 23-33 are limited to specific computer readable code performing the specific steps of specific computer-implemented methods. These claims are in a format long-sanctioned by the

USPTO (see computer readable medium, MPEP Section 2106). If the method claims are held to be statutory, the embodiment of the steps of the method as computer readable code to perform those steps in a computer readable storage medium should also be deemed statutory.

Claim 45 has been amended to address the lack of antecedent basis and to address the indefiniteness issue.

In view of the foregoing, the rejection of claims 23-45 under 35 USC 112 should be withdrawn.

Issues under 35 USC 102

The Examiner is thanked for the allowance of claims 4-6 and 15-17.

Applicants have amended independent claims 4 and 12 with the limitations of claims 4 and 15 respectively. Please note that Applicants have not incorporate the limitations of certain intervening claims (e.g., of claim 2 or claim 14) into the parent claims since such incorporation is not necessary to distinguish from the prior art. Applicants will now explain below.

In reviewing Orsini et al. (2004/0049687), it is respectfully submitted that Orsini does not disclose or suggest the combination of claims 1 and 4 (now amended claim 1), for example. Specifically, Orsini does not disclose or fairly suggest the calculation by the MCD of the second value as a function of the received first value, the shared data value, and the at least one metric. Furthermore, Orsini does not disclose or fairly suggest the calculation by a device in the wireless network of the first value based on the shared data value and the at least one metric (i.e., the limitation of claim 4 now amended to claim 1).

Paragraphs 28 and 421, 201, and 151 of Orsini, which are cited by the Examiner in his rejection, do not disclose or fairly suggest all limitations of claim (as amended), including for example the calculation by the MCD of the second value as a function of the received first value, the shared data value, and the at least one metric, as well as the calculation by a device in the wireless network of the first value based on the shared data value and the at least one metric in the manner claimed in the amended independent claims.

Note that similar limitations have been incorporated into independent claims 23 and 34. Based on these reasons and others, Applicants believe that the rejections of claims 23-45 have been successfully traversed, with respect to both the 35 USC 112 grounds and the 35 USC 102 grounds.

Amendment submitted in response
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U.S. Pat App. No. 10/660,424
Page 13

Other cited art of record, alone or in combination with Orsini, also fail to disclose or fairly suggest, in the manner claimed in the amended independent claims 1, 12, 23, and 34, the aforementioned features. The rejection of the independent claims 1, 12, 23, and 34, as amended, should now be withdrawn.

Other dependent claims herein, in addition to reciting their own independently patentable features, are also novel, nonobvious, and patentable as being dependent from their patentable parent claims.

In view of the foregoing, all claims are believed to be novel, nonobvious, and patentable. The allowance of these claims is respectfully requested.

Respectfully submitted,

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